

OGC Has Reviewed

REVIEWED
RECORDED

Translation

OUTLINE OF A CONSTITUTION

Essential Points

FOREWORD

Declaration of rights:

Right of individual liberty to the fullest extent compatible with the requirements of independence, public security and general interests.

Right of private property.

Right of social progress.

(In a general way, as in the United Nations charter)

I. Form of Government

The Vietnamese nation, independent, united and indivisible, forms a democratic state with republican government.

Sovereignty resides in the people and is exercised by the President of the Republic together with the Parliament.

II. Emblem

Yellow flag with three red stripes.

National anthem.

III. Governmental Bodies

A. The government constituted by the President of the Republic and the ministerial cabinet;

B. The parliament consisting of the House of Representatives of the people;

C. The Economic Council.

IV. The Government

A. The President of the Republic and the Ministers

1. Title - The President of the Vietnamese Republic (Tong Thong)
2. Method of Designation - Elected by universal and equal suffrage, with direct and secret ballot, under conditions fixed by law.

The President can designate a Vice-President with the approval of the House of Representatives.
3. Mandate - The President is elected for six years and is eligible for reelection.
4. Powers
 - a. Represents the Nation in relations with foreign countries;
 - b. Concludes and ratifies international and other treaties and conventions. With the approval of Parliament, declares war or makes peace;
 - c. Names ambassadors, accredits and receives the diplomatic representatives of foreign countries;
 - d. Names and recalls civil and military functionaries of the government;
 - e. Is Supreme Commander of the national Armed Forces;
 - f. Awards decorations;
 - g. Exercises the power of pardon, amnesty, stay of execution and conditional liberation;
 - h. Calls the House of Representatives into regular session, or into extraordinary session when circumstances demand, and approves the agenda for the meetings;
 - i. Can extend or adjourn the regular sessions of the Parliament, extend the mandate of the Parliament;
 - j. Can dissolve the Parliament in case of grave conflict with the executive power, in order to organize a new Parliament within three months and under conditions prescribed by law;
 - k. Communicates with the Parliament by messages;
 - l. Has the right to be present at meetings of the Parliament;

m. Participates in legislative power under conditions stated hereafter;

n. Names and recalls Ministers. The Ministers are chosen by the President, after consultation with the President of the House of Representatives. In principle, the Ministers are responsible only to the President as to the application of the general policy of the government. However, they could be individually responsible to the House of Representatives concerning the personal administration of their departments (see below);

o. Powers of the President in legislative matters:

(a) He can submit bills to the House of Representatives;

(b) He can, in case of necessity or emergency, or when the budget cannot be voted within a two months period, promulgate ordinances having the force of law for a maximum period of two years, to assure the continuation of public services or to safeguard the interests of the Nation;

(c) He can decree by ordinance a state of emergency, alert or siege;

(d) He can, each time that he deems it necessary, go to the people by means of a referendum which he shall decree by ordinance.

V. The Parliament

The House of Representatives

A. Method of designation and statute of members

Number - at least 240 representatives

Elected by universal and equal suffrage with direct and secret ballot under conditions fixed by electoral law

Mandate of two years, susceptible to extension

Parliamentary immunities

B. Duties

Regular sessions - two a year, of two months duration each

Extraordinary sessions: Duration fixed by the President of the Republic

All sessions convoked by the President of the Republic

C. Permanent Commission - 15 to 20 members

D. Powers:

To vote the laws

To ratify treaties and conventions

By 2/3 majority, the House of Representatives can vote a motion of censure against an individual Minister for administration of his department. If a Minister is three times during any one year the object of a motion of censure, he is liable to recall by the President of the Republic.

The House of Representatives can ask questions in writing to individual Ministers, to which the Ministers are obliged to reply either verbally or in writing, unless the question jeopardizes the interests of the country or the national defense. If the Chamber is not satisfied with the written reply of a given minister, it can request that he appear personally in the Chamber to reply verbally to questions of the representatives of the people.

E. Legislative Procedure

Bills of the Government

Motions of the House of Representatives

Bills are drawn up by the governmental services.

Motions are initiated by the Chamber.

The bills and motions voted by the Chamber must be transmitted within three days to the President of the Republic. The latter is required to promulgate them within thirty days, unless he sends them back for a second reading.

The budget must be voted within two months at maximum. The Chamber cannot propose new expenditures without indicating means of revenue sufficient to cover them.

VI. The Economic Council

Essentially a consultative body on economic matters

An organic law will determine the composition, functions and prerogatives of this council.

5

VII. Process for Revision of the Constitution

A. All modifications of the present constitution must be requested by 2/3 of the members of the House of Representatives.

B. A text amended and voted by the Chamber with an absolute majority shall be submitted to a popular referendum.

VIII. Final Provisions

The present constitution shall go into effect the same day that the people of Vietnam, consulted by means of referendum, shall adopt it. The Chief of State of Vietnam, designated by means of referendum and exercising his functions at the moment of the popular vote on the text of the constitution, will then become the first President in full right of the Vietnamese Republic, following the terms of the present constitution; and he will exercise the prerogatives and powers attaching to that function.

(NOTE: Above draft finalized as of approximately 6 October 1955)

5